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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,108	12/01/2003	Bryan K. Kennedy	2316.1898US11	2785

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MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

ADDY, THJUAN KNOWLIN

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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12/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,108

Applicant(s)

KENNEDY ET AL.

Examiner

Thjuan K. Addy

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 15, 17-20, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on September 10, 2007 has been entered. Claim 4 has been amended. Claim 16 has been cancelled. No claims have been added. Claims 1-15 and 17-24 are still pending in this application, with claims 1, 4, and 15 being independent.

Allowable Subject Matter

2. Claims 1-14, 21, and 22 are allowed.

3. The following is an examiner's statement of reasons for allowance: The invention as claimed is not disclosed nor rendered obvious in view of the prior art of record. As to independent claims 1 and 4, the prior art of record fails to teach or suggest, alone or in combination, the recited system, wherein a pair gain signal transmitted through said protector field is rerouted by said adapter to said cross connector block and then back to said protector field through said protector module. No prior art was found that discloses or teaches this limitation of claims 1 and 4.

4. Claims 2, 3, 5-14, 21, and 22 are dependent upon claim 1, therefore, claims 2, 3, 5-14, 21, and 22 are allowed.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15, 17-20, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bremer et al (US Patent Application, Pub. No.: US 2004/0042510 A1), in view of Pelegris (US 5,410,443).
7. In regards to claim 15, Bremer discloses a method of delivering digital subscriber line (DSL) service to a subscriber (See pg. 3, paragraph [0026]), comprising: a cross connect block (See Fig. 16, cross-connect box 16550 and Fig. 17, cross-connect box 17550) in communication with said adapter and configured to selectively route a signal received by said cross connect block to a splitter (See Fig. 16 and POTS/cross-connect splitter 16580) for combining and separating signals, with one of said signals being a DSL signal from a DSL system (See Abstract, pg. 7, paragraph [0065], pg. 8-9, paragraph [0074], and pg. 16, paragraph [0112] – [0113]). Bremer, however, does not disclose an adapter configured to interface with a protector field; a protector module connected to said adapter; and wherein a pair gain signal transmitted through said protector field is rerouted by said adapter to said cross connector block and then back

to said protector field through said protector module. Pelegris, however, does disclose an adapter (See Fig. 1 and adapter 12) configured to interface with a protector field (See Fig. 1 and protector 10); a protector module (See Fig. 1 and plug-in type protector module 22) connected to said adapter; and wherein said adapter establishes a communication loop with a cross connect block through which a pair gain signal can travel; diverting a pair gain signal passing through the protector field to the cross connect block; and routing all signals output by said cross connect block through the protector module and to said protector field (See col. 2 lines 7-28, col. 3 lines 10-23, and col. 3-4 lines 45-2). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate these features within the system, as a way of providing an overvoltage protection assembly and method to be used in threaded well type protector stations and an adapter that is readily insertable into a pair of threaded well within the protector station to facilitate use of a plug-in type protector.

8. In regards to claim 17, Pelegris discloses the system, wherein at least one conductor projecting out from a surface of said protector module is received by at least one corresponding receptacle of said adapter, and wherein at least one conductor projecting out from a surface of said adapter is received by at least one corresponding receptacle of said protector field (See Fig. 1 and col. 4 lines 38-61).

9. In regards to claims 18, 19, and 20, Bremer discloses a first two-way route for communicating said pair gain signal from a pair gain system, through said protector field and cross connect block, to said subscriber; a second two-way route, partially overlapping said first route, for communicating said pair gain signal from said pair gain

system, through said splitter, to said subscriber (See Abstract, Fig. 17, pg. 11, paragraph [0086], and pg. 16, paragraph [0113]); and a disruptor for selectively activating one of said first and second routes (See pg. 2, paragraph [0022])

10. In regards to claim 23, Pelegris discloses method, wherein the step of connecting the protector module to the adapter includes plugging a 5-pin protector module into receptacles of the adapter (See Fig. 1 and col. 5 lines 28-38).

11. In regards to claim 24, Pelegris discloses the method, wherein the step of connecting the adapter includes a 5-pin adapter into receptacles of the protector field normally occupied by the protector module (See Fig. 1 and col. 5 lines 7-19).

Response to Arguments

12. Applicant's arguments filed 09/10/2007 have been fully considered but they are not persuasive.

13. In regards to claim 15, Applicants argue that the adapter establishes a communication loop with a cross connect block, and that the adapter 12 of Pelegris is not configured to establish such a communication loop, but instead, only communicates with the protector module 22. Applicants further argue that claim 15 recites that a pair gain signal passing through the protector field is diverted to the cross connect block, and that Pelegris does not teach or suggest the provision of any such diverting component. Applicants also state that with regards to claim 24, no where does Pelegris teach or suggest that the adapter 12 has 5 pins.

14. In response to Applicants' argument that the adapter, of claim 15, establishes a communication loop with a cross connect block, and that the adapter 12 of Pelegris is not configured to establish such a communication loop, but instead, only communicates with the protector module 22, Examiner respectfully disagrees. As currently written, claim 15, does not clearly recite how said adapter establishes a communication loop with a cross connect block. For example, claims 1 and 4, clearly recite, wherein a pair gain signal transmitted through said protector field is rerouted by said adapter to said cross connector block and then back to said protector field through said protector module. Therefore, the communication may simply just pass through said cross connect block, to said protector module, as taught by Pelegris (See col. 2 lines 7-28, col. 3 lines 10-23, and col. 3-4 lines 45-2).

15. In response to Applicants' argument that claim 15 recites that a pair gain signal passing through the protector field is diverted to the cross connect block, and that Pelegris does not teach or suggest the provision of any such diverting component, Examiner respectfully disagrees. As currently written, claim 15, does not clearly recite how a pair gain signal passing through the protector field is diverted to the cross connect block. For example, claims 1 and 4, clearly recite, wherein a pair gain signal transmitted through said protector field is rerouted by said adapter to said cross connector block. Therefore, the communication may simply just pass through said cross connect block, to said protector module, as taught by Pelegris (See col. 2 lines 7-28, col. 3 lines 10-23, and col. 3-4 lines 45-2).

16. In response to Applicants' argument that no where, with regards to claim 24, does Pelegris teach or suggest that the adapter 12 has 5 pins, Examiner respectfully disagrees. For example, as may be seen in Fig. 1 of Pelegris, adapter 12 has 5 pin sockets (See Fig. 1 and sockets 66, 68, 70, 72, and 74) (See also, col. 5 lines 33-38).

Conclusion

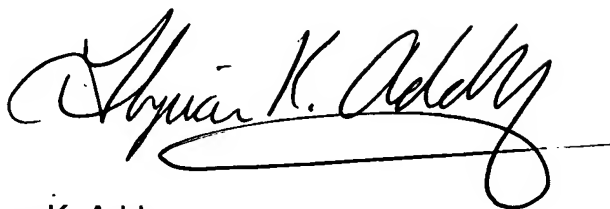
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan K. Addy whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, reading "Thjuan K. Addy". The signature is fluid and cursive, with a long horizontal flourish extending from the bottom of the name.

Thjuan K. Addy
Patent Examiner
AU 2614